



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1875 Century Boulevard  
Atlanta, Georgia 30345

AUG 29 2018

In Reply Refer To:  
FWS/R4/ES/2018-00585

Regional Freedom of Information Officer  
U.S. EPA, Region 6  
1445 Ross Avenue (6MD-OE)  
Dallas, Texas 75202-2733

Re: FOIA FWS-2018-00585

Dear FOIA Officer:

The U.S. Fish and Wildlife Service (FWS) received a Freedom of Information Act (FOIA) request from Ms. Lisa Jordan on March 13, 2018, in which she requested any documentation of consultation with the Environmental Protection Agency related to its Biological Evaluation under the Endangered Species Act of the impacts to listed species of its approval of Louisiana's revision to the dissolved oxygen criteria for the eastern Lower Mississippi Alluvial Plains Ecoregion. This includes, but not limited to, FWS's response to EPA's Biological Evaluation.. We assigned a FOIA tracking number of FWS-2018-00585.

During our review of records, we identified a portions of documents that may be of specific concern to your Agency. We are referring Ms. Jordan's request and documents to your office for review and release determination. Our information within the documents have been released to Ms. Jordan with appropriate redactions. We have advised the requester that she will be receiving a direct response from your office.

If you have any questions concerning this referral, please contact me at [tiffany\\_mcclurkin@fws.gov](mailto:tiffany_mcclurkin@fws.gov) or (404) 679-4104.

Sincerely yours,

Tiffany McClurkin  
Regional FOIA Coordinator

Enclosures



FOIA R4, FW4 &lt;foiar4@fws.gov&gt;

## FOIA Request on behalf of the GRN, Little Tchefuncte River Association, LAC, Sierra Club and LEAN

1 message

**Vartak, Kavan** <kvartak@tulane.edu>

Mon, Mar 12, 2018 at 5:46 PM

To: "foiar4@fws.gov" &lt;foiar4@fws.gov&gt;

Cc: "Jordan, Lisa W" &lt;lwjordan@tulane.edu&gt;, "Renzi, Drew M" &lt;drenzi@tulane.edu&gt;, "Hall, Machele L" &lt;mhall9@tulane.edu&gt;

Hello Ms. McClurkin,

My name is Kavan Vartak and I'm from the Tulane Environmental Law Clinic. I'd like to submit a FOIA request on behalf of the Gulf Restoration Network (GRN), Little Tchefuncte River Association, Louisiana Audubon Council (LAC), Sierra Club the Louisiana Environmental Action Network (LEAN). The full request is in the attached PDF and has the required information.

Let me know if you need anything else. I can be reached at this email at any time and Lisa Jordan, the counsel for the above parties can be reached at [lwjordan@tulane.edu](mailto:lwjordan@tulane.edu).

Kind Regards,

Kavan Vartak

Kavan Vartak  
JD Candidate 2018 | Tulane University Law School  
Student Attorney | Tulane Environmental Law Clinic  
Senior Business Editor | Tulane Journal of Law & Sexuality

3-12-18 FOIA Request on behalf of GRN et al.pdf  
41K



TULANE LAW SCHOOL

TULANE ENVIRONMENTAL LAW CLINIC

March 12, 2018

**Via Email to: [foia4@fws.gov](mailto:foia4@fws.gov) and U.S. Mail**

Ms. Tiffany McClurkin  
FOIA Coordinator, Region 4  
United States Fish and Wildlife Service  
1875 Century Blvd.  
Atlanta, GA 30345

Re: Freedom of Information Act Request

Dear Ms. McClurkin,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 551, et seq., and on behalf of the Gulf Restoration Network (GRN), Little Tchefuncte River Association, Louisiana Audubon Council (LAC), Sierra Club the Louisiana Environmental Action Network (LEAN), I request any and all documentation from January 10, 2017, to the present, that the United States Fish & Wildlife Service (FWS) possesses, from whatever source and in whatever form, electronic or otherwise, related to the following:

Any documentation of consultation with the Environmental Protection Agency related to its Biological Evaluation under the Endangered Species Act of the impacts to listed species of its approval of Louisiana's revision to the dissolved oxygen criteria for the eastern Lower Mississippi Alluvial Plains Ecoregion. This includes, but not limited to, FWS's response to EPA's Biological Evaluation.

We are aware of and do not waive our rights under law: to receive a response to this request within 20 days, to be informed of the grounds if this request is denied, to appeal any denial, and to receive copies of excepted information from a document where other sections have been declared exempt from this request. If you intend to deny access to any records, I request a written explanation of why this request was denied. If it is your contention that any records are exempt from disclosure based on a claim of privilege or confidentiality, please provide the titles of the documents for which the privilege is claimed and a general description of the information contained therein.

The GRN, Little Tchefuncte River Association, LAC, Sierra Club and LEAN request a waiver of any fees connected with this request because this request is made in the public interest, and the furnishing of this information can be considered as primarily benefiting the general public. The request is likely to contribute significantly to the public understanding of the Endangered Species Act and will not be used for commercial interests as all of the above groups are non-profit citizen advocacy organizations. The subject matter concerns identifiable operations or activities of the Federal government as it is a request concerning a consultation between the EPA and the FWS regarding water quality standards in Louisiana and their effect on

Tulane Environmental Law Clinic

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Freedom of Information Act Request

3/12/2018

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listed species. Additionally, the requested records are likely to contribute “to an increased public understanding” as the above citizen advocacy groups will publicly disseminate the documents to educate and inform citizens about the water quality standard revisions and their potential impact on listed species. The disclosure of the requested documents will contribute to the understanding of a reasonably broad audience in terms of the interested members of the above citizen advocacy groups and the wider public. Finally, the public’s understanding of the subject will be enhanced by a significant amount by the disclosure because FWS has expertise in the area and its explanation of the effect of this dissolved oxygen change on listed species provides knowledge of which the average citizen is not aware. Additionally, FWS’s consultation documentation is typically not posted or otherwise easily accessible to the public.

If for any reason our request cannot be handled free of charge, we request that we be notified immediately of the reasons behind the denial and the cost that will be involved prior to ANY copying, including any charges associated with the copying of microfilm or microfiche.

Thank you for your attention to this request. If you have any questions, please contact me at the below-listed numbers or email address.

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Lisa W. Jordan  
Tulane Environmental Law Clinic  
6329 Freret Street  
New Orleans, LA 70118  
Telephone: (504) 865-5789  
Direct: (504) 314-2481  
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Email: [lwjordan@tulane.edu](mailto:lwjordan@tulane.edu)  
Counsel for the Plaintiffs

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